

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: TIMOTHY SCOTT FRALEY

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

TIMOTHY SCOTT FRALEY

CASE NO: 4-19-01609-RNO

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on May 6, 2019, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney Agatha R. McHale Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice.

1. A Petition under Chapter 13 was filed on April 17, 2019.
2. The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).
 - Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
 - Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
 - CHAPTER 13 PLAN

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 4-18-04516-JJT

Counsel: PRO SE

Filing Date: 10/24/18

Date Dismissed: 12/03/18

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

Case Number: 4-18-03136-JJT

Counsel: PRO SE

Filing Date: 07/30/18

Date Dismissed: 08/14/18

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to pay filing fee

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of two (2) prior Chapter 13 petitions within a two (2) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of conference, and/or hearing and other instructions are included with this Motion to Dismiss with

Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Enter an Order dismissing the above-captioned case and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

Agatha R. McHale, Esquire

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to file:

- Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
- Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
- CHAPTER 13 PLAN

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

Date: June 21, 2019

Time: 10:00 AM

Objections/responses are due on or before May 20, 2019. The hearing as scheduled will be held regardless of any objections or responses having been filed.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: May 6, 2019

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on May 6, 2019, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

PRO SE

SERVED ELECTRONICALLY

,

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

SERVED ELECTRONICALLY

TIMOTHY SCOTT FRALEY
88 BYBROOK ROAD
WILLIAMSPORT, PA 17701

SERVED BY 1ST CLASS MAIL

Respectfully submitted,
Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.